IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WA.No. 1979 of 2007

AGAINST THE JUDGEMENT IN WPC.15353/2007
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APPELLANTS/PETITIONERS 2 & 3:
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1. ASHAMOL K.A.,
KANIYAMKUNNATH HOUSE, EDAPPALLY P.O., KOCHI-24.

2. SOSHY P.M.,
PANOOR HOUSE, VYPEEN , AZHEEKAL P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS/RESPONDENTS:
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1. COCHIN UNIVERSITY OF SCIENCE &
TECHNOLOGY, COCHIN UNIVERSITY P.O., COCHIN-22,
REP. BY ITS REGISTRAR.

2. THE REGISTRAR,
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
COCHIN UNIVERSITY P.O., COCHIN-22.

3. THE VICE CHANCELLOR,
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
COCHIN UNIVERSITY P.O., COCHIN-22.

BY ADV. SRI.A.A.ABUL HASSAN,SC,COCHIN UNIVERSITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ.

W.A.No.1979 of 2007

Dated, this the 23rd day of August, 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel on either side.

2. The writ petition was preferred by the appellants herein along with two others seeking a writ of mandamus directing the respondents to fill up the entire vacancies of Assistant Grade II available in the University by appointing candidates from Ext.P2 rank list before expiry of the same and also for consequential reliefs.

3. The learned counsel appearing for the appellants submitted that the rank list was published vide Annexure A1 notification dated 6th September, 2005 and the said list will expire on 5.9.2007. Further it is stated that there are 60 vacancies of Assistant Grade II available in the University and the same are not being filled up.

4. The learned Single Judge declined to grant the relief prayed for having felt that it is for the University to decide as to whether vacancies are to be filled up or not. When the matter came up for hearing before us, we directed the University to file counter affidavit. In the counter affidavit, it is stated that the period of the rank list has already expired on 25.5.2007. Further it is stated that before expiry of the list, several appointments were effected from the rank list. We need examine the question as to whether the life of the

rank list expires on 5.9.2007 or has already expired on 25.5.2007. We are of the view that it is for the University to decide as to whether all the vacancies are to be filled up or not. It is stated in paragraph 5 of the counter affidavit that the vacancies available are only temporary vacancies and hence there is no question of filling up those vacancies on a permanent basis now. In the circumstances, we are of the view that the appellants have not made out a case for interference.

Therefore, the writ appeal lacks merits and the same is dismissed.

Consequently, I.A.No.682 of 2007 is also dismissed.

K.S.RADHAKRISHNAN, JUDGE

V.K.MOHANAN, JUDGE

vns